IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SHESASAYANA REDDY

WRIT PETITION Nos. 25213 and 25214 of 2004

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WRIT PETITION NO : 25213 of 2004

Between:

Ch. S. Bapuji S/o Ram Mohana Raju
Circle-II Visakhapatnam, Visakhapatnam District

..... PETITIONER

AND

1 The Government of Andhra Pradesh Prohibition and Excise

Department, rep. by Secretary,
Secretariat, Hyderabad
2 The Commissioner Prohibition and Excise Department

Government of Andhra Pradesh, Hyderabad
3 The Deputy Commissioner Prohibition & Excise,

Visakhapatnam Visakhapatnam District
4 The Superintendent, Prohibition & Excise Department

Visakhapatnam Visakhapatnam District
5 The Assistant Commissioner for Distilleries Prohibition and

Excise Department, Kakinada, East Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more in the nature of Writ of Certiorari calling for the records relating to the order or the Hon'ble A.P. Administrative Tribunal dt 21st December 2004 in O.A. No. 5846 of 2004 and quash the same and further declare the proceedings Rc. No. 661/2004.A1 dt 5-10-2004 as illegal, bad arbitrary and contrary to the orders issued by the Government in G.O.Ms. No. 379 dt 29-8-96 and G.O.ms. No. 115 dt 22-2-2003 and consequently quash the same and further direct the respondents to continue the petitioner as prohibition and Excise Inspector at Visakhapatnam Circle-II with all consequential benefits.

Counsel for the Petitioner: MR.J.R.MANOHAR RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

WRIT PETITION NO : 25214 of 2004

Between:

Ch.S.Bapuji, s/o Ram Mohana Raju,
Circle-II, Visakhapatnam, Visakhapatnam District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, Prohibition and excise

Department, rep., by its Secretary,
Secretariat, Hyderabad.
2 The Commissioner, Prohibition and Excise Department, Govt.

of A.P., Hyderabad.
3 The Deputy Commissioner, Prohibition and Excise

Department, Visakhapatnam.
4 The Superintendent, Prohibition and Excise, Department,

Visakhapatnam, Visakhapatnam District.
5 S.Sukesh, Prohibition & Excise Inspector,
Circle-II, Visakhapatnam, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of certiorari calling for the records relating to the order of the Hon'ble A.P. Administrative Tribunal dt.29th October, 2004 in O.A.NO.4772 of 2004 and quash the same and further declare the proceedings rc.no.486/2003/A1 dated 13-7-2004 and the consequential proceedings Rc.No.1944/2003/A2 dt.16-7-2004 as illegal, bad, arbitrary and contrary to the orders issued by the Government in G.O.Ms.No.379 dt.29-8-96 and G.O.Ms.No.115 dt.22-2-2003 and consequently quash the same and further direct

the respondents to continue the petitioner as Prohibition and Excise Inspector at Visakhapatnam, Circle-II.

Counsel for the Petitioner: MR.J.R.MANOHAR RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORAL ORDER:- (PER GB,J.)

Both the Writ Petitions can be disposed of by a common order as the matter relates to transfer of the petitioner.

2. Originally the petitioner was transferred from Visakhapatnam to Srikakulam vide proceedings Rc.No.486/2003/A1, dated 13.07.2004 issued by the 3rd respondent, which was challenged before the Tribunal in O.A.No.4772 of 2004 and the same was suspended while admitting the O.A. Subsequently, a revised proceedings Rc.No.661/2004-A1, dated 05.10.2004 was passed by the Assistant Commissioner for Distilleries, Prohibition and Excise Department, posting the petitioner to M/s. International Wines and Liquors, Visakhapatnam, and he was directed to report to the Assistant Commissioner of Distilleries, Kakinada. In view of this, no further orders are necessary.

3. Accordingly, both the Writ Petitions are closed.

4. However, the petitioner is directed to report to the Assistant Commissioner of Distilleries, Kakinada, for being posted to M/s. International Wines and Liquors, Visakhapatnam, at the earliest possible time.

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G. BIKSHAPATHY, J.

Date: 25.01.2005

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B. SESHASAYANA REDDY, J.

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To

1 The Secretary, Government of Andhra Pradesh, Prohibition

and excise Department, Secretariat, Hyderabad.
2 The Commissioner, Prohibition and Excise Department, Govt.

of A.P., Hyderabad.
3 The Deputy Commissioner, Prohibition and Excise

Department, Visakhapatnam.
4 The Superintendent, Prohibition and Excise, Department,

Visakhapatnam, Visakhapatnam District.
5 S.Sukesh, Prohibition and Excise Inspector.
Circle-II, Visakhapatnam, Visakhapatnam District.

6 2CCs to the G.P. for Prohibition and Excise, High Court

Buildings, Hyderabad. (OUT)

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